

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Margaret Dunkley
Serial No.: 10/589,710
Filed: April 19, 2007
Docket: ADAM-41138

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Restriction Requirement mailed on March 24, 2009 having a one month response date of April 24, 2009. In response to the restriction requirement, applicant elects the invention of Group 2, being claims 17-32. In response to the species election, applicant elects the genus *Haemophilus influenzae* (*H. influenzae*) and the species Non-typeable *H. influenzae*. Claims 1-47 read on the elected species.

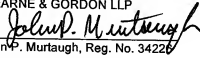
With regard to *Pascale et. al.*, the Applicant submits that citation relates to a study in which mice were immunized intra-nasally with *P. carinii* soluble antigen preparation with or without cholera toxin B subunit (CTB) adjuvant. The group treated with antigen alone was a control group as were groups treated with adjuvant alone or placebo. Animals immunized with soluble antigen alone gave only a weak response (at 5 weeks this group still had infection at a level half that of the control group that had received only placebo). One sentence in the Experimental group section (see page 806, col. 1, lines 51-52) states that the intra-nasal immunization procedure permits both nasal and lung delivery of the immunogen being tested. However, there is no indication as to whether the administered soluble antigen reached the lung or whether exposure to the lung was necessary to the outcome.

In particular, the Applicant submits *Pascale* does not demonstrate delivery of soluble antigen to the lungs to generate a protective immune response. Rather, it is submitted the citation merely teaches immunization of the intra-nasal mucosa elicited an effective immune response and only in the presence of added CTB adjuvant.

If there are any fees required by this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. ADAM-41138.

Respectfully submitted,
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By


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Date: April 22, 2009